

**UNITED STATE DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>NKEM ECHEM,</b> <i>Petitioner</i>	*	RECEIPT #	_____
	*	AMOUNT \$	500
	*	SUMMONS ISSUED	NA
	*	LOCAL RULE 4.1	_____
	*	<b>FILE NO:</b>	WAIVER FORM
	*	ALIEN NO:	4846117237 M.P.
v.	*	DATE	2/8/05
<b>JOHN ASHCROFT</b> <b>ATTORNEY GENERAL,</b> <i>Respondent</i>	*	05	10245 JLT
	*	*	
	*	*	
	*	*	
	*	*	
	*	*	

MAGISTRATE JUDGE New Maj Judge

**PETITIONER'S WRIT OF HABEAS CORPUS.**

Now comes the petitioner Nkem Echem and through counsel respectfully moves the Honorable Court to order the United States Department of Homeland Security, Citizenship and Immigration Services and the US Marshall Department to release from further detention and custody the petitioner who is being held for violation of the US Immigration laws, Section. 237(a)(1)(d)(i).

Petitioner asserts she is not a public safety risk, and has never borue or carried arms or ammunitions.

Petitioner asserts that she is not a flight risk and has lived in the commonwealth since her lawful entry into the United States on October 30, 1996.

Petitioner asserts that she was not given the opportunity to present her case in support of

Echem/page2

her application for waiver from the requirement of joint petition to remove the conditional status.

The petitioner asserts that she was not given the opportunity to present her application for waiver from the requirement of joint petition to remove the conditional status.

The petitioner asserts that she was not given the opportunity to present her case in support of her application for the relief under abused spouse classification of the Immigration law.

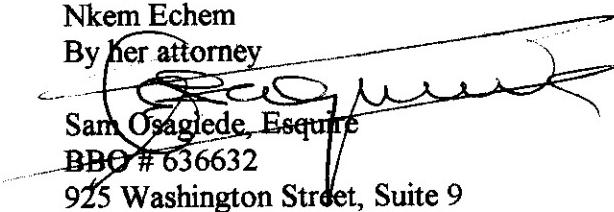
Petitioner asserts that her employer is willing and able to file a petition on her behalf to enable her maintain her status as a legal resident, under the employment based application process for the adjustment of status for alien worker under HIB classification, as an experienced and certified Nurse in the Commonwealth of Massachusetts.

**REPECTFULLY SUBMITTED,**

The petitioner

Nkem Echem

By her attorney

  
Sam Osagiede, Esquire

BBO # 636632

925 Washington Street, Suite 9

Dorchester, Mass 02124

Tel: 617-282-1300

Date: 2/8/05, 2005

**L.VIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

NKEM ECHEM

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** SUFFOLK  
(EXCEPT IN U.S. PLAINTIFF CASES)

SAM OSAGIEDE, ESQUIRE

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
925 WASHINGTON STREET, SUITE 9,  
DORCHESTER, MASS 02124.

**DEFENDANTS IN CLERKS OFFICE**

JOHN ASHCROFT, 2005 FEB -8 P 1:48  
US ATTORNEY GENERAL.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT U.S. DISTRICT OF WASHINGTON DC  
DISTRICT OF MASS.  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

N/A

ATTORNEYS (FIRM NAME)

**05 10245 JLT****II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)  
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	PTF	DEF
<input checked="" type="checkbox"/>	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/>	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/>	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 156	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury — Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury — Product Liability	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 510 Selective Service	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Securities/Commodities/ Exchange	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 892 Economic Stabilization Act	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>HABEAS CORPUS:</b>	<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input checked="" type="checkbox"/> 530 General	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 950 Constitutionality of State Statutes	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 890 Other Statutory Actions	
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
			<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS — Third Party 26 USC 7609	
			<input type="checkbox"/> 872 Employment Practices	
			<input type="checkbox"/> 873 Title VII	
			<input type="checkbox"/> 874 Age Discrimination in Employment Act	
			<input type="checkbox"/> 875 Title IX	
			<input type="checkbox"/> 876 Title III	
			<input type="checkbox"/> 877 Title IV	
			<input type="checkbox"/> 878 Title V	
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			<input type="checkbox"/> 880 Title VII	
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			<input type="checkbox"/> 883 Title X	
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**V. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from another district (specify)     6 Multidistrict Litigation     7 Magistrate Judgment

**VI. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.  
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

HABEAS CORPUS

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION     UNDER F.R.C.P. 23    **DEMAND \$**    **CHECK YES only if demanded in complaint:**  
**JURY DEMAND:**  YES     NO

**VIII. RELATED CASE(S)** (See instructions):  IF ANY    **JUDGE** \_\_\_\_\_ **DOCKET NUMBER** \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IEP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) NKEM ECHEM V. JOHN ASHCROFTFILED  
IN CLERKS OFFICE

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

1 2005 FEB -8 P 1:48

 I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT. II. 195, 368, 400, 440, 441-444, 540, 550, 625, 710, 720, 730,  
740, 790, 791, 820, 830, 840, 850, 890, 892-894, 895, 950. III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,  
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,  
380, 385, 450, 891. IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660,  
690, 810, 861-865, 870, 871, 875, 900. V. 150, 152, 153.

05 10245 JLT

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)).

NONE

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT? NONE5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? (SEE 28 USC 2403) \_\_\_\_\_

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? NO7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)). YES NO OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? - (SEE LOCAL RULE 40.1(D)). YES NO8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES NO (a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE? NO9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? EAST10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION NO OR WESTERN SECTION NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME SAM OSAGIEDE, ESQUIREADDRESS 925 WASHINGTON STREET, SUITE 9,TELEPHONE NO. DORCHESTER, MASS 02124.

(Category.frm - 09/92)